

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claim 21 has been amended to address the Examiner's concern raised in paragraph 2 of the Office Action. Claims 1-22 are still pending. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §112, second paragraph, regarding the "passively released" language. Paragraph 28 at page 6 of the specification provides an example description of a passively released device. In this example, the pressure regulator is a release mechanism that selectively releases at least a portion of the bias provided by the example biasing member 58 responsive to the moving force of the first moving mechanism. The bias is "passively released" because the biasing member 58 in this example does not have to do anything (i.e., it is passive) and is released merely responsive to the moving force of the moving mechanism 44. The claim language is supported by the specification and is clear.

Applicant respectfully traverses the rejection of claims 1-4, 9 and 21 as being unpatentable over *Katsuta, et al.*, in view of what the Examiner calls "Applicant's Admitted Prior Art."

There is no motivation for modifying the *Katsuta, et al.* arrangement to include a passively released biasing device. There would be no benefit to changing the *Katsuta, et al.* arrangement in this regard and, therefore, there is no motivation and no *prima facie* case of obviousness. It cannot be considered obvious to change a device in a way that does not provide it any benefit. Adding a passively released feature to the *Katsuta, et al.* arrangement provides no benefit because it accomplishes no purpose in the context of the

teachings of that reference. None of the claims can be considered obvious over the *Katsuta, et al.* reference.

Moreover, the *Katsuta, et al.* reference specifically requires actively moving actuators simultaneously in opposite directions to accomplish the automated seat covering operation of that arrangement. See, for example, column 10, lines 39-59. If one were to modify *Katsuta, et al.* as suggested by the Examiner, that would eliminate the simultaneous movement in opposite directions as required by that reference. Any proposed modification to a reference that defeats its operation or its intended purpose cannot be made in an attempt to establish a *prima facie* case of obviousness. The *Katsuta, et al.* reference cannot be a basis for an obviousness rejection and claims 1-4, 9 and 21 are allowable.

Additionally, the Examiner is wrong about the possibility for modifying the *Katsuta, et al.* reference to make it consistent with claim 21. *Katsuta, et al.* repeatedly teaches that the guide mechanisms 2F, 2R and 2L of that reference are “bodily displaced upwardly and downwardly in the height-wise longitudinal direction of the frameworks.” (Column 8, lines 19-21). If one were to modify *Katsuta, et al.* as suggested by the Examiner, that would defeat the intended operation of that device and there is no motivation for doing so.

Applicant respectfully traverses the rejection of claims 5 and 6 under 35 U.S.C. §103 as being unpatentable over the proposed combination of *Katsuta, et al.* in further view of *Marforio, Morita* or *Mauriello*. Again, *Katsuta, et al.* cannot be modified to be consistent with Applicant’s claims without defeating the entire operation of the device disclosed in *Katsuta, et al.* Such a modification is not permissible. The additional

teachings of the three alternative references do not remedy this defect in the initially proposed modification of *Katsuta, et al.* The combinations cannot be made.

Applicants respectfully traverses the rejection of claims 10-15 and 18-20 under 35 U.S.C. §103 as being unpatentable over *Katsuta, et al.* It cannot be considered obvious to have supports in *Katsuta, et al.* remain a fixed distance from a base. As mentioned above, *Katsuta, et al.* specifically teaches that the guide mechanisms 2F, 2R and 2L must be displaced upwardly and downwardly for that device to operate according to its intended purposes. To make the modification proposed by the Examiner would be to defeat the intended operation of the *Katsuta, et al.* arrangement and none of these claims can be considered obvious.

Applicant respectfully traverses the rejection of claims 16 and 17 under 35 U.S.C. §103 based upon *Katsuta, et al.* in view of *Marforio, Morita* or *Mauriello*. As stated above, none of these combinations can be made and *Katsuta, et al.* cannot be modified in a manner to make it consistent with the claimed invention. Claims 16 and 17 cannot be considered obvious.

Applicant respectfully traverses the rejection of claim 22 based up *Katsuta, et al.* in view of what the Examiner calls “Applicant’s Admitted Prior Art.” Applicant has already addressed the improper combination with regard to the rejection of claims 1-4, 9 and 21. Claim 22 is allowable for the same reasons.

This case is in condition for allowance. Applicant respectfully requests a Notice of Allowance as early as possible.

Respectfully submitted,

CARLSON, GASKEY & OLDS

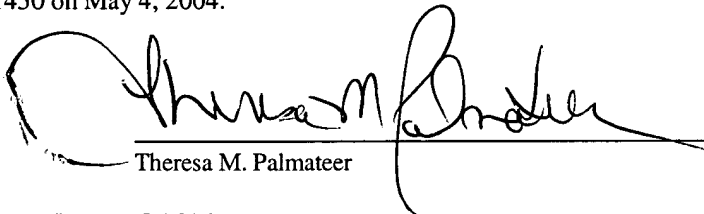
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Request for Reconsideration is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 4, 2004.


Theresa M. Palmateer

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